

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Sunday
and Holiday Collections

Docket No. C2001-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO POPKIN INTERROGATORIES DBP/USPS-1 - 12,
AND MOTION FOR LATE ACCEPTANCE
(June 12, 2001)

On May 31, 2001, DPB/USPS-1 - 12 were filed. As discussed below, the Postal Service objects, in whole or in part, to each of those interrogatories. The time limit under the rules for objection to these interrogatories expired yesterday, June 11. While a timely pleading had been prepared, possibly excessive focus on preparing answers to other outstanding interrogatories that are due today caused the objection filing deadline to be missed. The Postal Service therefore moves for late acceptance of this objection, and submits that no party will be prejudiced by the one-day delay. A copy of this pleading has been faxed this morning to Mr. Popkin.

As a preliminary matter, it should be noted that the scope of this proceeding is limited to collection and mail processing services provided on holidays. Discovery in this case should not be converted into a fishing expedition on postal operations practices generally. The Postal Service will object to responding to any questions that lack a clear and direct nexus to holiday collection and mail processing matters.

Thus, questions 1-7 from Mr. Popkin refer to portions of the DMM and POM which include material relating to aspects of holiday service other than mail processing and collections. The Postal Service considers all matters other than those specifically

relating to holiday collections or mail processing to be outside the scope of this proceeding, and therefore irrelevant. While the Postal Service will provide answers to parts a., c., and e., of question 1, as well as questions 4-7, the intended scope of the answers will be limited to collection and mail processing matters. Part b. of question 1 involves definitions for terms which do not relate to collection information (or mail processing, as that operation is not included in the POM and DMM exhibits in question), and therefore part b. is entirely irrelevant.

Similarly, questions 8 and 9 attempt to probe holiday *retail* practices. Retail operations are outside the scope of this proceeding, and the questions are therefore irrelevant. Additionally, to the extent that question 8 seeks documents going back to 1987, it would be unduly burdensome for the Postal Service to attempt to search for any more information beyond that which is already in the process of being provided in response to interrogatories of other parties.

Part d. of question 1 requests the provision of "any other differences" between the POM and DMM exhibits cited by, and of apparent interest, to Mr. Popkin. Mr. Popkin is fully capable of making the comparison he wants himself, and identifying any differences between the exhibits that he observes. Discovery does not exist merely to afford one party the opportunity to shift its burden of analysis to another party. Moreover, it is difficult to perceive the relevance of this line of inquiry, which certainly has all of the appearances of a classic fishing expedition.

Questions 2 and 3 seek information going back to 1987 regarding the exceptions procedures mentioned in the context of the holiday service information provided in the POM and DMM. As should be readily apparent to anyone who has read the exchanges

of documents in this proceeding, the "exceptions" procedures referred to in the POM and DMM exhibits have essentially been supplanted in recent years by Headquarters memos with respect to each individual holiday. For practical purposes, any information which might exist with respect to exceptions to the POM and DMM exhibits is irrelevant. Moreover, Mr. Popkin has covered this ground in rate case interrogatories (e.g., DBP/USPS-67 in Docket No. R2000-1). The Postal Service is unaware of any information potentially responsive to questions 2 or 3, and objects to the undue burden that would be involved in attempting to research this matter any further. It is impossible to quantify that burden without conducting an inquiry that would, in effect, be tantamount to undertaking the entire research.

Questions 10, 11, and 12 seek information regarding pickup labels on collection boxes. In large measure, they cover the same subject as Questions 1-3 from Mr. Carlson, to which the Postal Service will be responding today. Mr. Popkin, however, seems further interested in a search for documents going back to 1987. The Postal Service will be providing in response to Mr. Carlson all of the documents on this topic of which it is aware. The Postal Service objects to the undue burden of searching for any further documents, including those issued by Area and District offices, as requested in DBP/USPS-10. Given the lack of relevance of 14 year old documents, as well as the minuscule probability of locating any such documents, the undue burden of conducting a document search at the level requested by Mr. Popkin is clearly unwarranted. The Postal Service submits that the information provided in response to Questions 1-3 of Mr. Carlson will provide more than ample information on this topic.

Therefore, the Postal Service objects to DBP/USPS-1 -12 on the grounds stated

above, but, without waiving its objections, will provide answers to parts a., c., and e. of question 1, and to questions 4-7. Additionally, the Postal Service moves for late acceptance of these objections.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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